

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

LOS ANGELES UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015070484  
(Primary Case)

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015021037

ORDER GRANTING MOTION TO  
AMEND COMPLAINT; ORDER  
GRANTING CONTINUANCE

On February 18, 2015, Student filed a Request for Due Process (complaint), naming Los Angeles Unified School District. Student filed an amended complaint on May 15, 2015. District filed its complaint on June 23, 2015. The Office of Administrative Hearings granted District's motion to consolidate and continue the Student's and District's cases on July 27, 2015. On September 16, 2015, Student filed a second amended complaint.

On October 1, 2015, District filed an Amended Request for Due Process (amended complaint) that also requested that the hearing remain calendared for November 10, 2015. As the District filed case would normally proceed to hearing 20 days after filing, OAH takes the request to proceed on November 10, 2015 as a request for continuance of the consolidated matters. No opposition was received from Student.

*Amendment*

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. No new scheduling order shall be issued by OAH, for the reasons stated below.

*Continuance*

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

District's motion to continue the hearing demonstrates good cause for a continuance as it provides the parties with ample time to notify witnesses and prepare for hearing, and Student did not oppose the request. Accordingly, the consolidated matter will proceed on the dates previously set in the scheduling order of September 16, 2015. District's case will be designated the primary case in this consolidated matter.

IT IS SO ORDERED.

DATE: October 13, 2015

/s/

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COLE DALTON  
Administrative Law Judge  
Office of Administrative Hearings